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**Date:** Tuesday, 21 September 2004

**Time:** 1130

**From:** Howard Kaiser, Esq.

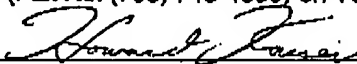
**To:** Mr. Preston Wallace  
Office of Initial Patent Examination (OIPE)  
Mail Stop Missing Parts  
U.S. Patent and Trademark Office  
voice: (703) 308-1202  
fax: (703) 746-4060

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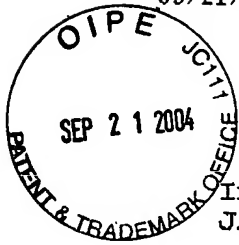
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. (703) 746-4060) on Tuesday, 21 September 2004.

  
Howard Kaiser

**Remarks:**

|  |   |                   |             |
|--|---|-------------------|-------------|
| <b>In re Patent Application of:</b>      | : | <b>Conf. No.:</b> | <b>1376</b> |
| <b>JAMES DAVID MCWHITE</b>               | : |                   |             |
|  | : |                   |             |
| <b>Serial No.:</b>                       | : | <b>Art Unit:</b>  | <b>3617</b> |
| <b>10/826,790</b>                        | : |                   |             |
| <b>Filing Date:</b>                      | : |                   |             |
| <b>04/16/04</b>                          | : |                   |             |
| <b>Attorney Docket No.:</b>              | : |                   |             |
| <b>83,317</b>                            | : |                   |             |
|  | : |                   |             |
| <b>Title:</b>                            | : |                   |             |
| <b>SHIP STOWAGE AID ANALYSIS PROGRAM</b> | : |                   |             |

Faxed herewith please find Applicant's "Response To Notice To File Missing Parts Of Nonprovisional Application" (1 page), along with a copy of the "Notice To File Missing Parts Of Nonprovisional Application" (1 page) mail-dated 04 August 2004.

**PATENTS****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: : Conf. No.: 1376  
 JAMES DAVID MCWHITE :  
 :  
 Serial No.: 10/826,790 : Art Unit: 3617  
 Filing Date: 04/16/04 :  
 Attorney Docket No.: 83,317 :  
 Title: SHIP STOWAGE AID ANALYSIS PROGRAM :

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

This is responsive to the "Notice to File Missing Parts of Nonprovisional Application Filed under 37 CFR 1.53(b)" mail-dated 04 August 2004, a copy of which is being faxed herewith.

Per the undersigned's 13 September 2004 phonecon with Mr. Preston Wallace of the Office of Initial Patent Examination, the Notice is inapposite as to the compact discs submitted by Applicant. Said Notice is of the kind typically directed by the Office to compact discs containing sequence listing information (See, e.g., 37 CFR 1.824; see also MPEP, Chapter 2400, entitled "Biotechnology"). In fact, Applicant's compact discs do not contain any sequence listing information; rather, Applicant's compact discs contain only computer program listing information relating to Applicant's invention. Accordingly, it is Applicant's understanding that Applicant's compact discs are acceptable to the Office.

**Certificate of Facsimile Transmission under 37 CFR 1.8**

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on Tuesday, September 21, 2004.

Typed or printed name of person signing this certificate

Howard Kaiser

Signature

Respectfully submitted,

HOWARD KAISER  
 Reg. No. 31,381  
 ATTORNEY FOR APPLICANT

09/21/04  
 date

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 September 21, 2004

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION  
 NAVY CASE NO. 83,317



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450  
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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/826,790         | 04/16/2004             | James David McWhite   | 83,317                 |

38092  
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WEST BETHESDA, MD 20817

CONFIRMATION NO. 1376

## FORMALITIES LETTER



\*0000000013431691\*

Date Mailed: 08/04/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

M-McWhite

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE